

### CHAPTER III

#### WE GO TO DANVILLE

Two years went by, two uneventful years for me, two mighty years for Kentucky. Westward rolled the tide of emigrants to change her character, but to swell her power. Towns and settlements sprang up in a season and flourished, and a man could scarce keep pace with the growth of them. Doctors came, and ministers, and lawyers; generals and majors, and captains and subalterns of the Revolution, to till their grants and to found families. There were gentry, too, from the tide-waters, come to retrieve the fortunes which they had lost by their patriotism. There were storekeepers like Mr. Scarlett, adventurers and ne'er-do-weels who hoped to start with a clean slate, and a host of lazy vagrants who thought to scratch the soil and find abundance.

I must not forget how, at the age of seventeen, I became a landowner, thanks to my name being on the roll of Colonel Clark's regiment. For, in a spirit of munificence, the Assembly of the Commonwealth of Virginia had awarded to every private in that regiment one hundred and eight acres of land on the Ohio River, north of the Falls. Sergeant Thomas McChesney, as a reward for his services in one of the severest campaigns in history, received a grant of two hundred and sixteen acres! You who will may look at the plat made by William Clark, Surveyor for the Board of Commissioners, and find sixteen acres marked for Thomas McChesney in Section 169, and two hundred more in Section 3. Section 3 fronted the Ohio some distance above Bear Grass Creek, and was, of course,

on the Illinois shore. As for my own plots, some miles in the interior, I never saw them. But I own them to this day.

I mention these things as bearing on the story of my life, with which I must get on. And, therefore, I may not dwell upon this injustice to the men who won an empire and were flung a bone long afterwards.

It was early autumn once more, and such a busy week we had had at the mill, that Tom was perforce obliged to remain at home and help, though he longed to be gone with Cowan and Ray a-hunting to the southwest. Up rides a man named Jarrott, flings himself from his horse, passes the time of day as he watches the grinding, helps Tom to tie up a sack or two, and hands him a paper.

"What's this?" says Tom, staring at it blankly.

"Ye won't blame me, Mac," answers Mr. Jarrott, somewhat ashamed of his rôle of process-server. "'Tain't none of my doin's."

"Read it, Davy," said Tom, giving it to me.

I stopped the mill, and, unfolding the paper, read. I remember not the quaint wording of it, save that it was ill-spelled and ill-writ generally. In short, it was a summons for Tom to appear before the court at Danville on a certain day in the following week, and I made out that a Mr. Neville Colfax was the plaintiff in the matter, and that the suit had to do with land.

"Neville Colfax!" I exclaimed, "that's the man for whom Mr. Potts was agent."

"Ay, ay," said Tom, and sat him down on the meal-bags. "Drat the varmint, he kin hev the land."

"Hev the land?" cried Polly Ann, who had come in upon us. "Hev ye no sperrit, Tom McChesney?"

"There's no chance ag'in the law," said Tom, hopelessly. "Thar's Perkins had his land tuck away last year, and Terrell's moved out, and twenty more I could name. And thar's Dan'l Boone, himself. Most the rich bottom he tuck up the critters hev got away from him."

"Ye'll go to Danville and take Davy with ye and fight

it," answered Polly Ann, decidedly. "Davy has a word to say, I reckon. 'Twas he made the mill and scar't that Mr. Potts away. I reckon he'll git us out of this fix."

Mr. Jarrott applauded her courage.

"Ye have the grit, ma'am," he said, as he mounted his horse again. "Here's luck to ye!"

The remembrance of Mr. Potts weighed heavily upon my mind during the next week. Perchance Tom would have to pay for this prank likewise. 'Twas indeed a foolish, childish thing to have done, and I might have known that it would only have put off the evil day of reckoning. Since then, by reason of the mill site and the business we got by it, the land had become the most valuable in that part of the country. Had I known Colonel Clark's whereabouts, I should have gone to him for advice and comfort. As it was, we were forced to await the issue without counsel. Polly Ann and I talked it over many times while Tom sat, morose and silent, in a corner. He was the pioneer pure and simple, afraid of no man, red or white, in open combat, but defenceless in such matters as this.

"'Tis Davy will save us, Tom," said Polly Ann, "with the l'arnin' he's got while the corn was grindin'."

I had, indeed, been reading at the mill while the hopper emptied itself, such odd books as drifted into Harrodstown. One of these was called "Bacon's Abridgment"; it dealt with law and it puzzled me sorely.

"And the children," Polly Ann continued,—"ye'll not make me pick up the four of 'em, and pack it to Louisiana, because Mr. Colfax wants the land we've made for ourselves."

There were four of them now, indeed,—the youngest still in the bark cradle in the corner. He bore a no less illustrious name than that of the writer of these chronicles.

It would be hard to say which was the more troubled, Tom or I, that windy morning we set out on the Danville trace. Polly Ann alone had been serene,—ay, and smiling and hopeful. She had kissed us each good-by impartially. And we left her, with a future governor of

Kentucky on her shoulder, tripping lightly down to the mill to grind the McGarrys' corn.

When the forest was cleared at Danville, Justice was housed first. She was not the serene, inexorable dame whom we have seen in pictures holding her scales above the jars of earth. Justice at Danville was a somewhat high-spirited, quarrelsome lady who decided matters oftenest with the stroke of a sword. There was a certain dignity about her temple withal,—for instance, if a judge wore linen, that linen must not be soiled. Nor was it etiquette for a judge to lay his own hands in chastisement on contemptuous persons, though Justice at Danville had more compassion than her sisters in older communities upon human failings.

There was a temple built to her "of hewed or sawed logs nine inches thick"—so said the specifications. Within the temple was a rude platform which served as a bar, and since Justice is supposed to carry a torch in her hand, there were no windows,—nor any windows in the jail next door, where some dozen offenders languished on the afternoon that Tom and I rode into town.

There was nothing auspicious in the appearance of Danville, and no man might have said then that the place was to be the scene of portentous conventions which were to decide the destiny of a State. Here was a sprinkling of log cabins, some in the building, and an inn, by courtesy so called. Tom and I would have preferred to sleep in the woods near by, with our feet to the blaze; this was partly from motives of economy, and partly because Tom, in common with other pioneers, held an inn in contempt. But to come back to our arrival.

It was a sunny and windy afternoon, and the leaves were flying in the air. Around the court-house was a familiar, buzzing scene,—the backwoodsmen, lounging against the wall or brawling over their claims, the sleek agents and attorneys, and half a dozen of a newer type. These were adventurous young gentlemen of family, some of them lawyers and some of them late officers in the Continental army who had been rewarded with grants of land.

These were the patrons of the log tavern which stood near by with the blackened stumps around it, where there was much card-playing and roistering, ay, and even duelling, of nights.

"Thar's Mac," cried a backwoodsman who was sitting on the court-house steps as we rode up. "Howdy, Mac; be they tryin' to git your land, too?"

"Howdy, Mac," said a dozen more, paying a tribute to Tom's popularity. And some of them greeted me.

"Is this whar they take a man's land away?" says Tom, jerking his thumb at the open door.

Tom had no intention of uttering a witticism, but his words were followed by loud guffaws from all sides, even the lawyers joining in.

"I reckon this is the place, Tom," came the answer.

"I reckon I'll take a peep in thar," said Tom, leaping off his horse and shouldering his way to the door. I followed him, curious. The building was half full. Two elderly gentlemen of grave demeanor sat on stools behind a puncheon table, and near them a young man was writing. Behind the young man was a young gentleman who was closing a speech as we entered, and he had spoken with such vehemence that the perspiration stood out on his brow. There was a murmur from those listening, and I saw Tom pressing his way to the front.

"Hev any of ye seen a feller named Colfax?" cries Tom, in a loud voice. "He says he owns the land I settled, and he ain't ever seed it."

There was a roar of laughter, and even the judges smiled.

"Whar is he?" cries Tom; "said he'd be here to-day."

Another gust of laughter drowned his words, and then one of the judges got up and rapped on the table. The gentleman who had just made the speech glared mightily, and I supposed he had lost the effect of it.

"What do you mean by interrupting the court?" cried the judge. "Get out, sir, or I'll have you fined for contempt."

Tom looked dazed. But at that moment a hand was laid on his shoulder, and Tom turned.

"Why," says he, "thar's no devil if it ain't the Colonel. Polly Ann told me not to let 'em sear' me, Colonel."

"And quite right, Tom," Colonel Clark answered, smiling. He turned to the judges. "If your Honors please," said he, "this gentleman is an old soldier of mine, and unused to the ways of court. I beg your Honors to excuse him."

The judges smiled back, and the Colonel led us out of the building.

"Now, Tom," said he, after he had given me a nod and a kind word, "I know this Mr. Colfax, and if you will come into the tavern this evening after court, we'll see what can be done. I have a case of my own at present."

Tom was very grateful. He spent the remainder of the daylight hours with other friends of his, shooting at a mark near by, serenely confident of the result of his case now that Colonel Clark had a hand in it. Tom being one of the best shots in Kentucky, he had won two beaver skins before the early autumn twilight fell. As for me, I had an afternoon of excitement in the court, fascinated by the marvels of its procedures, by the impassioned speeches of its advocates, by the gravity of its judges. Ambition stirred within me.

The big room of the tavern was filled with men in heated talk over the day's doings, some calling out for black betty, some for rum, and some demanding apple toddies. The landlord's slovenly negro came in with candles, their feeble rays reënforcing the firelight and revealing the mud-chinked walls. Tom and I had barely sat ourselves down at a table in a corner, when in came Colonel Clark. Beside him was a certain swarthy gentleman whom I had noticed in the court, a man of some thirty-five years, with a fine, fleshy face and coal-black hair. His expression was not one to give us the hope of an amicable settlement, — in fact, he had the scowl of a thundercloud. He was talking quite angrily, and seemed not to heed those around him.

"Why the devil should I see the man, Clark?" he was saying.

The Colonel did not answer until they had stopped in front of us.

"Major Colfax," said he, "this is Sergeant Tom McChesney, one of the best friends I have in Kentucky. I think a vast deal of Tom, Major. He was one of the few that never failed me in the Illinois campaign. He is as honest as the day; you will find him plain-spoken if he speaks at all, and I have great hopes that you will agree. Tom, the Major and I are boyhood friends, and for the sake of that friendship he has consented to this meeting."

"I fear that your kind efforts will be useless, Colonel," Major Colfax put in, rather tartly. "Mr. McChesney not only ignores my rights, but was near to hanging my agent."

"What?" says Colonel Clark.

I glanced at Tom. However helpless he might be in a court, he could be counted on to stand up stanchly in a personal argument. His retorts would certainly not be brilliant, but they surely would be dogged. Major Colfax had begun wrong.

"I reckon ye've got no rights that I know on," said Tom. "I cleart the land and settled it, and I have a better right to it nor any man. And I've got a grant fer it."

"A Henderson grant!" cried the Major; "'tis so much worthless paper."

"I reckon it's good enough fer me," answered Tom. "It come from those who blazed their way out here and druv the redskins off. I don't know nothin' about this new-fangled law, but 'tis a queer thing to my thinkin' if them that fit fer a place ain't got the fust right to it."

Major Colfax turned to Colonel Clark with marked impatience.

"I told you it would be useless, Clark," said he. "I care not a fig for a few paltry acres, and as God hears me I'm a reasonable man." (He did not look it then.) "But I swear by the evangels I'll let no squatter have the better of me. I did not serve Virginia for gold or land, but I lost my fortune in that service, and before I know it these backwoodsmen will have every acre of my grant."

It's an old story," said Mr. Colfax, hotly, "and why the devil did we fight England if it wasn't that every man should have his rights? By God, I'll not be frightened or wheedled out of mine. I sent an agent to Kentucky to deal politely and reasonably with these gentry. What did they do to him? Some of them threw him out neck and crop. And if I am not mistaken," said Major Colfax, fixing a piercing eye upon Tom, "if I am not mistaken, it was this worthy sergeant of yours who came near to hanging him, and made the poor devil flee Kentucky for his life."

This remark brought me near to an untimely laugh at the remembrance of Mr. Potts, and this though I was far too sober over the outcome of the conference. Colonel Clark seized hold of a chair and pushed it under Major Colfax.

"Sit down, gentlemen, we are not so far apart," said the Colonel, coolly. The slovenly negro lad passing at that time, he caught him by the sleeve. "Here, boy, a bowl of toddy, quick. And mind you brew it strong. Now, Tom," said he, "what is this fine tale about a hanging?"

"Twan't nothin'," said Tom.

"You tell me you didn't try to hang Mr. Potts!" cried Major Colfax.

"I tell you nothin'," said Tom, and his jaw was set more stubbornly than ever.

Major Colfax glanced at Colonel Clark.

"You see!" he said a little triumphantly.

I could hold my tongue no longer.

"Major Colfax is unjust, sir," I cried. "'Twas Tom saved the man from hanging."

"Eh?" says Colonel Clark, turning to me sharply. "So you had a hand in this, Davy. I might have guessed as much."

"Who the devil is this?" says Mr. Colfax.

"A sort of ward of mine," answers the Colonel. "Drummer boy, financier, strategist, in my Illinois campaign. Allow me to present to you, Major, Mr. David

Ritchie. When my men objected to marching through ice-skimmed water up to their necks, Mr. Ritchie showed them how."

"God bless my soul!" exclaimed the Major, staring at me from under his black eyebrows, "he was but a child."

"With an old head on his shoulders," said the Colonel, and his banter made me flush.

The negro boy arriving with the toddy, Colonel Clark served out three generous gourdfuls, a smaller one for me. "Your health, my friends, and I drink to a peaceful settlement."

"You may drink to the devil if you like," says Major Colfax, glaring at Tom.

"Come, Davy," said Colonel Clark, when he had taken half the gourd, "let's have the tale. I'll warrant you're behind this."

I flushed again, and began by stammering. For I had a great fear that Major Colfax's temper would fly into bits when he heard it.

"Well, sir," said I, "I was grinding corn at the mill when the man came. I thought him a smooth-mannered person, and he did not give his business. He was just for wheedling me. 'And was this McChesney's mill?' said he. 'Ay,' said I. 'Thomas McChesney?' 'Ay,' said I. Then he was all for praise of Thomas McChesney. 'Where is he?' said he. 'He is at the far pasture,' said I, 'and may be looked for any moment.' Whereupon he sits down and tries to worm out of me the business of the mill, the yield of the land. After that he begins to talk about the great people he knows, Sevier and Shelby and Robertson and Boone and the like. Ay, and his intimates, the Randolphs and the Popes and the Colfaxes in Virginia. 'Twas then I asked him if he knew Colonel Campbell of Abingdon."

"And what deviltry was that?" demanded the Colonel, as he dipped himself more of the toddy.

"I'll come to it, sir. Yes, Colonel Campbell was his intimate, and ranted if he did not tarry a week with him

at Abingdon on his journeys. After that he follows me to the cabin, and sees Polly Ann and Tom and the children on the floor poking a 'possum. 'Ah,' says he, in his softest voice, 'a pleasant family scene. And this is Mr. McChesney?' 'I'm your man,' says Tom. Then he praised the mill site and the land all over again. 'Tis good enough for a farmer,' says Tom. 'Who holds under Henderson's grant,' I cried. 'Twas that you wished to say an hour ago,' and I saw I had caught him fair."

"By the eternal!" cried Colonel Clark, bringing down his fist upon the table. "And what then?"

I glanced at Major Colfax, but for the life of me I could make nothing of his look.

"And what did your man say?" said Colonel Clark.

"He called on the devil to bite me, sir," I answered. The Colonel put down his gourd and began to laugh. The Major was looking at me fixedly.

"And what then?" said the Colonel.

"It was then Polly Ann called him a thief to take away the land Tom had fought for and paid for and tilled. The man was all politeness once more, said that the matter was unfortunate, and that a new and good title might be had for a few skins."

"He said that?" interrupted Major Colfax, half rising in his chair. "He was a damned scoundrel."

"So I thought, sir," I answered.

"The devil you did!" said the Major.

"Tut, Colfax," said the Colonel, pulling him by the sleeve of his greatcoat, "sit down and let the lad finish. And then?"

"Mr. Boone had told me of a land agent who had made off with Colonel Campbell's silver spoons from Abingdon, and how the Colonel had ridden east and west after him for a week with a rope hanging on his saddle. I began to tell this story, and instead of the description of Mr. Boone's man, I put in that of Mr. Potts, — in height some five feet nine, spare, of sallow complexion and a green greatcoat.

Major Colfax leaped up in his chair.

"Great Jehovah!" he shouted, "you described the wrong man."

Colonel Clark roared with laughter, thereby spilling some of his toddy.

"I'll warrant he did so," he cried; "and I'll warrant your agent went white as birch bark. Go on, Davy."

"There's not a great deal more, sir," I answered, looking apprehensively at Major Colfax, who still stood. "The man vowed I lied, but Tom laid hold of him and was for hurrying him off to Harrodstown at once."

"Which would ill have suited your purpose," put in the Colonel. "And what did you do with him?"

"We put him in a loft, sir, and then I told Tom that he was not Campbell's thief at all. But I had a craving to scare the man out of Kentucky. So I rode off to the neighbors and gave them the tale, and bade them come after nightfall as though to hang Campbell's thief, which they did, and they were near to smashing the door trying to get in the cabin. Tom told them the rascal had escaped, but they must needs come in and have jigs and toddies until midnight. When they were gone, and we called down the man from the loft, he was in such a state that he could scarce find the rungs of the ladder with his feet. He rode away into the night, and that was the last we heard of him. Tom was not to blame, sir."

Colonel Clark was speechless. And when for the moment he would conquer his mirth, a glance at Major Colfax would set him off again in laughter. I was puzzled. I thought my Colonel more human than of old.

"How now, Colfax?" he cried, giving a poke to the Major's ribs; "you hold the sequel to this farce."

The Major's face was purple, — with what emotion I could not say. Suddenly he swung full at me.

"Do you mean to tell me that you were the general of this hoax — you?" he demanded in a strange voice.

"The thing seemed an injustice to me, sir," I replied in self-defence, "and the man a rascal."

"A rascal!" cried the Major, "a knave, a poltroon, a simpleton! And he came to me with no tale of having

been outwitted by a stripling." Whereupon Major Colfax began to shake, gently at first, and presently he was in such a gale of laughter that I looked on him in amazement, Colonel Clark joining in again. The Major's eye rested at length upon Tom, and gradually he grew calm.

"McChesney," said he, "we'll have no bickerings in court among soldiers. The land is yours, and to-morrow my attorney shall give you a deed of it. Your hand, McChesney."

The stubbornness vanished from Tom's face, and there came instead a dazed expression as he thrust a great, hard hand into the Major's.

"'Twan't the land, sir," he stammered; "these varmints of settlers is gittin' thick as flies in July. 'Twas Polly Ann. I reckon I'm obleeged to ye, Major."

"There, there," said the Major, "I thank the Lord I came to Kentucky to see for myself. Damn the land. I have plenty more, — and little else." He turned quizzically to Colonel Clark, revealing a line of strong, white teeth. "Suppose we drink a health to your drummer boy," said he, lifting up his gourd.